

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE LITIGATION))))) MDL NO. 1456 Civil Action No. 01-12257-PBS Subcategory No.: 03-10643)))
THIS DOCUMENT RELATES TO:) Judge Patti B. Saris)
<i>The City of New York v. Abbott Laboratories, Inc., et al.</i> (S.D.N.Y. No. 04-CV-06054)))
<i>County of Albany v. Abbott Laboratories, Inc., et al.</i> (N.D.N.Y. No. 05-CV-00425)))
<i>County of Allegany v. Abbott Laboratories, Inc., et al.</i> (W.D.N.Y. No. 05-CV-06231)))
<i>County of Broome v. Abbott Laboratories, Inc., et al.</i> (N.D.N.Y. No. 05-CV-00456)))
<i>County of Cattaraugus v. Abbott Laboratories, Inc., et al.</i> (W.D.N.Y. No. 05-CV-06242)))
<i>County of Cayuga v. Abbott Laboratories, Inc., et al.</i> (N.D.N.Y. No. 05-CV-00423)))
<i>County of Chautauqua v. Abbott Laboratories, Inc., et al.</i> (W.D.N.Y. No. 05-CV-06204)))
<i>County of Chemung v. Abbott Laboratories, Inc., et al.</i> (W.D.N.Y. No. 05-CV-06744)))
<i>County of Chenango v. Abbott Laboratories, Inc., et al.</i> (N.D.N.Y. No. 05-CV-00354)))
<i>County of Columbia v. Abbott Laboratories, Inc., et al.</i> (N.D.N.Y. No. 05-CV-00867)))
<i>County of Cortland v. Abbott Laboratories, Inc., et al.</i> (N.D.N.Y. No. 05-CV-00881)))
<i>County of Dutchess v. Abbott Laboratories, Inc., et al.</i> (S.D.N.Y. No. 05-CV-06458))

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**STIPULATION REGARDING THE NEW YORK
EPIC PROGRAM'S RECEIPT OF MYLAN'S AMP DATA**

<i>County of Essex County v. Abbott Laboratories, Inc., et al.</i> (N.D.N.Y. No. 05-CV-00878))
<i>County of Fulton v. Abbott Laboratories, Inc., et al.</i> (N.D.N.Y. No. 05-CV-00519))
<i>County of Genesee v. Abbott Laboratories, Inc., et al.</i> (W.D.N.Y. No. 05-CV-06206))
<i>County of Greene v. Abbott Laboratories, Inc., et al.</i> (N.D.N.Y. No. 05-CV-00474))
<i>County of Herkimer v. Abbott Laboratories, Inc., et al.</i> (N.D.N.Y. No. 05-CV-00415))
<i>County of Jefferson v. Abbott Laboratories, Inc., et al.</i> (N.D.N.Y. No. 05-CV-00715))
<i>County of Lewis v. Abbott Laboratories, Inc., et al.</i> (N.D.N.Y. No. 05-CV-00839))
<i>County of Madison v. Abbott Laboratories, Inc., et al.</i> (N.D.N.Y. No. 05-CV-00714))
<i>County of Monroe v. Abbott Laboratories, Inc., et al.</i> (W.D.N.Y. No. 05-CV-06148))
<i>County of Nassau v. Abbott Laboratories, Inc., et al.</i> (E.D.N.Y. No. 04-CV-5126))
<i>County of Niagara v. Abbott Laboratories, Inc., et al.</i> (W.D.N.Y. No. 05-CV-06296))
<i>County of Oneida v. Abbott Laboratories, Inc., et al.</i> (N.D.N.Y. No. 05-CV-00489))
<i>County of Onondaga v. Abbott Laboratories, Inc., et al.</i> (N.D.N.Y. No. 05-CV-00088))
<i>County of Ontario v. Abbott Laboratories, Inc., et al.</i> (W.D.N.Y. No. 05-CV-06373))
<i>County of Orange v. Abbott Laboratories, Inc., et al.</i> (S.D.N.Y. No. 07-CV-2777))
<i>County of Orleans v. Abbott Laboratories, Inc., et al.</i> (W.D.N.Y. No. 05-CV-06371))
<i>County of Putnam v. Abbott Laboratories, Inc., et al.</i> (S.D.N.Y. No. 05-CV-04740))
<i>County of Rensselaer v. Abbott Laboratories, Inc., et al.</i> (N.D.N.Y. No. 05-CV-00422))
<i>County of Rockland v. Abbott Laboratories, Inc., et al.</i> (S.D.N.Y. No. 03-CV-7055))

<i>County of Saratoga v. Abbott Laboratories, Inc., et al.</i> (N.D.N.Y. No. 05-CV-00478))
<i>County of Schuyler v. Abbott Laboratories, Inc., et al.</i> (W.D.N.Y. No. 05-CV-06387))
<i>County of Seneca v. Abbott Laboratories, Inc., et al.</i> (W.D.N.Y. No. 05-CV-06370))
<i>County of St. Lawrence v. Abbott Laboratories, Inc., et al.</i> (N.D.N.Y. No. 05-CV-00479))
<i>County of Steuben v. Abbott Laboratories, Inc., et al.</i> (W.D.N.Y. No. 05-CV-06223))
<i>County of Suffolk v. Abbott Laboratories, Inc., et al.</i> (E.D.N.Y. No. CV-03-229))
<i>County of Tompkins v. Abbott Laboratories, Inc., et al.</i> (N.D.N.Y. No. 05-CV-00397))
<i>County of Ulster v. Abbott Laboratories, Inc., et al.</i> (N.D.N.Y. No. 06-CV-0123))
<i>County of Warren v. Abbott Laboratories, Inc., et al.</i> (N.D.N.Y. No. 05-CV-00468))
<i>County of Washington v. Abbott Laboratories, Inc., et al.</i> (N.D.N.Y. No. 05-CV-00408))
<i>County of Wayne v. Abbott Laboratories, Inc., et al.</i> (W.D.N.Y. No. 05-CV-06138))
<i>County of Westchester v. Abbott Laboratories, Inc., et al.</i> (S.D.N.Y. No. 03-CV-6178))
<i>County of Wyoming v. Abbott Laboratories, Inc., et al.</i> (W.D.N.Y. No. 03-CV-6379))
and)
<i>County of Yates v. Abbott Laboratories, Inc., et al.</i> (W.D.N.Y. No. 05-CV-06172))

WHEREAS the City of New York and various counties in the State of New York (collectively, the “Consolidated New York Counties” or “Plaintiffs”) have brought an action with the above-styled caption (hereafter referred to as the “*City of New York, et al. v. Abbott Labs., Inc. et al.* (MDL 1456)’);

WHEREAS Defendants Mylan Inc. (formerly known as Mylan Laboratories Inc.), Mylan Pharmaceuticals Inc., and UDL Laboratories, Inc. (collectively, the “Mylan”) have sought discovery from Plaintiffs relating to the receipt of Average Manufacturer Price (“AMP”) data by the New York EPIC Program for the Mylan drugs at issue in these actions, as listed in Revised Exhibit B to Plaintiffs’ First Amended Consolidated Complaint; and

WHEREAS the New York EPIC Program has stated that producing the requesting discovery would be unduly burdensome;

WHEREFORE Mylan and Plaintiffs, by their respective attorneys, hereby stipulate and agree, for the purposes of these cases only, as follows:

1. The New York EPIC Program has received Average Manufacturer Prices (“AMPs”) from certain prescription drug manufacturers, including defendants in *City of New York, et al. v. Abbott Labs., Inc., et al.* (MDL 1456). The EPIC Agreement instructs manufacturers to certify “that Average Manufacturer Price (AMP), Best Price and Baseline AMP data reported to EPIC are identical to the data reported to the Centers for Medicare and Medicaid Services under Section 1927 of the Federal Social Security Act, if the Manufacturer is required to report such data to the Centers for Medicare and Medicaid Services.”
2. Mylan, including Mylan Pharmaceuticals Inc., UDL Laboratories, Inc. and any other entities affiliated with Mylan, within the time period from 1991 to the present, reported AMPs to EPIC on a quarterly basis beginning in the year identified and for the NDCs identified in Exhibit A attached hereto.
3. This stipulation is solely for the purpose of identifying those NDCs that were provided to EPIC for the time periods specified in Exhibit A, and does not constitute an admission by any party that the NDCs identified in Exhibit A are properly at issue in this litigation or otherwise properly attributed to the listed defendant manufacturer.

Respectfully submitted,

City of New York and New York Counties in MDL 1456 except Nassau and Orange	Mylan Inc. (f/k/a Mylan Laboratories Inc.), Mylan Pharmaceuticals Inc. and UDL Laboratories, Inc.
<u>/s/ Joanne M. Cicala</u> Joanne M. Cicala James P. Carroll, Jr. Jocelyn R. Normand Kathryn B. Allen KIRBY MCINERNEY, LLP 825 Third Avenue New York, New York 10022 (212) 371-6600	<u>/s/ Philip D. Robben</u> William A. Escobar Neil Merkl Christopher C. Palermo Philip D. Robben KELLEY DRYE & WARREN LLP 101 Park Avenue New York, New York 10178 Telephone: (212) 808-7800 Facsimile: (212) 808-7897

Dated: March 25, 2010